

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

STANDARD BUILDING CO., INC.
OF GEORGIA

CIVIL ACTION NO. 09-cv-0103

VERSUS

JUDGE HICKS

LOUISIANA RIVERWALK, LLC, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Standard Building Co., Inc. of Georgia filed this action against two defendants based on an assertion of diversity jurisdiction. The plaintiff corporation alleges that it is a Georgia corporation with its principal place of business in Georgia. With respect to the two LLC defendants, Plaintiff alleges their states of organization and principal places of business, but the citizenship of an LLC is determined by the citizenship of all of its members, with its state of organization or principal place of business being irrelevant. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008). If the members are themselves partnerships, LLCs, corporations or other form of entity, their citizenship must be alleged in accordance with the rules applicable to that entity, and the citizenship must be traced through however many layers of members or partners there may be. Feaster v. Grey Wolf Drilling Co., 2007 WL 3146363 (W.D. La. 2007). The need for such detail was recently demonstrated by Mullins v. Testamerica, Inc., 2008 WL 4888576 (5th Cir. 2008), when the court refused to consider the merits of an appeal until the record distinctly and affirmatively alleged the citizenship of

a limited partnership, the citizenship of which is determined by the same rules applicable to an LLC.

Standard will need to file an amended complaint, seeking leave if then necessary under Rule 15, to plead with specificity the citizenship of the two LLC defendants. Neither defendant has appeared as of yet, and it is quite likely that plaintiff will not have access to the membership information through public records or other readily available sources. The membership information is ordinarily furnished voluntarily by the parties in similar situations. In the event either defendant does not furnish the information voluntarily, Standard is granted leave of court to conduct discovery regarding the citizenship issue, commencing with the appearance of a defendant in this case. Standard will be permitted 45 days from the appearance of a defendant to gather the citizenship information and file an amended complaint that states the citizenship of the relevant parties with specificity.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 10th day of February, 2009.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE